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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,710	06/03/2005	Hideaki Ishimatsu	8861-529US(544676)	6873

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AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER	
PARK, JEONG S	

ART UNIT	PAPER NUMBER
2154	

MAIL DATE	DELIVERY MODE
08/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/537,710	ISHIMATSU, HIDEAKI	
	Examiner	Art Unit	
	Jeong S. Park	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/3/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification is objected to because:

The title of the invention is not descriptive.

A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

2. Claims 1-5 are objected to because of the following informalities:

In claim 1, line 7, the phrase "said divided information block" should be corrected as --said divided information blocks-- for clear understanding of the claim. Similar correction should be made for claim 4, lines 8 and 12;

In claim 2, line 1, the phrase "a receiving apparatus" should be corrected as –the receiving apparatus-- for clear understanding of the claim; and

In claim 5, line 1, the phrase "a receiving method" should be corrected as –the receiving method-- for clear understanding of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "said management apparatus" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (hereinafter Chang)(U.S. Publication No. 2002/0178261 A1), in view of Lisiecki et al. (hereinafter Lisiecki)(U.S. Publication No. 2002/0143888 A1).

Regarding claim 1, Chang teaches as follows:

A receiving apparatus (peer, 22, 24, 26 and 28 in figure 1, see, e.g., page 1, paragraph [0015], lines 1-4) comprising:

an operation section to which an information receiving command is input (search initiation from a first peer wherein the first peer inherently receives the search command as an input by any input means in a peer computer, see, e.g., page 3, paragraph [0030], lines 1-5);

a communication section for transmitting transmission request information for requesting the transmission of the information input to said operation section to multiple storage apparatuses (a plurality of servers) and for sequentially receiving divided information blocks (a plurality of downloads) obtained by dividing said information and transmitted from said multiple storage apparatuses (a plurality of servers are selected

from the list of servers and a plurality of simultaneous downloads is started from the plurality of servers, see, e.g., page 3, paragraph [0030], lines 23-26 and steps 212 and 214 in figures 10B and 10C respectively); and

a selection section for selecting only said divided information block received first from one of said storage apparatuses (a plurality of servers, server 1 and server 2 in figure 4) or a predetermined group of said divided information blocks with respect to each of said divided information blocks received by said communication section or each predetermined group of said divided information blocks (if one servers completes the download first the other download is canceled, page 2, paragraph [0020], lines 8-14 and figure 4).

Chang does not explicitly teach an output section even though any computer has an output means to output the received information in certain format.

Lisiecki further teaches as follows:

Uploading a content to one optimal site and replicating the uploaded content to the other storage sites (see, e.g., page 1, paragraph [0012], lines 1-15);

An edge server (interpreted as a receiving apparatus, 406 in figure 4) operating in a content delivery network (CDN) is retrieved from a storage site that is optimal for the download (see, e.g., page 1, paragraph [0012], lines 15-18); and

Edge server delivers the content to the end user's browser (output section to output the content to the end user, see, e.g., page 5, paragraph [0046], lines 24-27 and step 4 in figure 4).

It would have been obvious for one of ordinary skill in the art at the time of the

invention to modify Chang to include data downloading in a content delivery network between end users and storage sites through a CDN edge server (a receiving apparatus) as taught by Lisiecki in order to increase the reliability and efficiency of the downloading process in a content delivery network.

Regarding claims 2, 3 and 5, Chang teaches all the limitations of claim except for the management apparatus to map the address of storage apparatuses storing information to download.

Lisiecki further teaches as follows:

communication section transmits, to a management apparatus (global traffic management (GTM) 408 in figure 4), address information transmission request information for requesting the address information of said storage apparatuses (DNS request, see, e.g., step 2a in figure 4) in which said information is stored, receives the address information (IP address) of said multiple storage apparatuses from said management apparatus (GTM)(GTM identifies optimal storage site, see, e.g., step 2b in figure 4) and transmits transmission request information for requesting the transmission of said information to said multiple storage apparatuses on the basis of said address information (edge server requests content, see, e.g., step 3a in figure 4)(edge server makes a DNS query to resolve the storage URL to the GTM system, in response, receives IP address of the storage sites, see, e.g., page 5, paragraph [0046] and steps 2a, 2b, 3a and 3b in figure 4); and

said management apparatus (GTM), said multiple storage apparatuses (storage sites) and said receiving apparatus (edge server) set forth in claim 1 are connected via

a communication network (the content delivery network, see, e.g., abstract).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Chang to include the global traffic management as taught by Lisiecki in order to convert the URL to IP address to find the optimal storage servers by the global address through the Internet.

Regarding claim 4, Chang teaches as follows:

A receiving method comprising:

an operation input step of inputting an information receiving command (search initiation from a first peer wherein the first peer inherently receives the search command as an input by any input means in a peer computer, see, e.g., page 3, paragraph [0030], lines 1-5);

a transmission request step of transmitting transmission request information for requesting the transmission of said information to multiple storage apparatuses (a plurality of servers), a divided information receiving step of sequentially receiving divided information blocks (a plurality of downloads) obtained by dividing said information and transmitted from said multiple storage apparatuses (a plurality of servers are selected from the list of servers and a plurality of simultaneous downloads is started from the plurality of servers, see, e.g., page 3, paragraph [0030], lines 23-26 and steps 212 and 214 in figures 10B and 10C respectively); and

a selection step of selecting only said divided information block received first from one of said storage apparatus (a plurality of servers, server 1 and server 2 in figure 4) or a predetermined group of said divided information blocks with respect to each of

said divided information blocks or each predetermined group of said divided information blocks (if one servers completes the download first the other download is canceled, page 2, paragraph [0020], lines 8-14 and figure 4).

Chang does not explicitly teach an output section even though any computer has an output means to output the received information in certain format.

Lisiecki further teaches as follows:

Uploading a content to one optimal site and replicating the uploaded content to the other storage sites (see, e.g., page 1, paragraph [0012], lines 1-15);

An edge server (interpreted as a receiving apparatus, 406 in figure 4) operating in a content delivery network (CDN) is retrieved from a storage site that is optimal for the download (see, e.g., page 1, paragraph [0012], lines 15-18); and

Edge server delivers the content to the end user's browser (output section to output the content to the end user, see, e.g., page 5, paragraph [0046], lines 24-27 and step 4 in figure 4).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Chang to include data downloading in a content delivery network between end users and storage sites through a CDN edge server (a receiving apparatus) as taught by Lisiecki in order to increase the reliability and efficiency of the downloading process in a content delivery network.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeong S. Park whose telephone number is 571-270-

1597. The examiner can normally be reached on Monday through Thursday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP

August 6, 2007

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER